

**EXHIBIT 5**

**Fenner, et al., v. News Corporation, et al.**

**No. 09-cv-9832 (LGS)**

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**Kennedy Declaration, Exhibit 5**

**2008**

**Zachary Haberman (“ZH”):** Hey.

**Ikimulisa Livingston (“IL”):** Hi there. Initially, not a lot going on here. However, I believe the pimp cop, Wayne Taylor, is scheduled to testify before the grand jury.

**ZH:** Really?

**IL:** I don’t know. I mean, his lawyer basically said before that he was going to testify, so I am trying to reach out to him and see if I can get anything on that.

**ZH:** Well, why wouldn’t he testify?

**IL:** Why wouldn’t he?

**ZH:** Yeah

**IL:** Well, apparently Zalika Brown is not testifying. Her lawyer said he’s not going to have her testify.

**ZH:** Can you do that? Can you just refuse to testify to a grand jury?

**IL:** Of course you can.

**ZH:** I mean, they don’t – the D.A. can’t subpoena you and tell you to testify?

**IL:** No. You don’t have to testify. Um, so, you know, I’m reaching out to the lawyer to see if I can get something on that. The other thing is, there is a guy who used to live in Far Rockaway, who now lives in Connecticut, twenty-seven year old, who is being arrested for internet sex crimes. He essentially had three young girls between the ages of nine [ZH: Ugh] and fourteen send him –pose nude and send him videos.

**ZH:** What?

**IL:** I’m sorry?

**ZH:** What was the last part of that?

**IL:** Pose nude and send him videos.

**ZH:** Cute.

**IL:** One girl is fourteen and she's from Illinois and the other two girls are sisters. Thirteen and nine years old from Massachusetts.

**ZH:** Jesus. And he's what, for possessing kiddie porn?

**IL:** They're calling it an internet sex crime but, yeah, it's probably kiddie porn and that kind of stuff.

**ZH:** I don't know, it's kind of just all together gross and there's no real – he's going to be in court later?

**IL:** Well, the thing is, he might, well – he was in Connecticut. That's where he lives now, but he was extradited.

**ZH:** Well, why is it here then?

**IL:** He used to live in Far Rockaway, until May.

**ZH:** Oh, okay, sorry.

**IL:** So, anyway he was extradited from Connecticut. He may be on suicide watch so he might actually be in the hospital somewhere. So, I don't know if he will be arraigned today.

**ZH:** Did you say what he did for a living?

**IL:** No, I don't know what he did for a living. I will find out.

**ZH:** See if we can find that out. I mean if we are going to do it there's got to be a more interesting hook then just the same old, you know, some guy was doing something pervy with young kids on the internet.

**IL:** Okay

**ZH:** But, yeah, but, if there is something more interesting to it, please let me know.

**IL:** Okay, alright

**ZH:** Thanks, bye.